

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Establishing an Accessory Dwelling Unit (ADU)

Updated October 24, 2005

This Client Assistance Memo (CAM) explains the applicable regulations and process for establishing accessory dwelling units (also called ADUs or mother-in-law units) in owner-occupied single family homes in Seattle.

Legislation allowing accessory dwelling units became effective Dec. 1, 1994.

What is an ADU?

An ADU is a room or set of rooms in a single family home that has been designed or configured to be used as a separate dwelling unit. It generally includes living, sleeping, kitchen and bathroom facilities and has a lockable entrance door. For more information, see CAM 606, "Illegal Dwelling Units"; DPD Director's Rule 7-83, "Determining the Existence of a Dwelling Unit for Purposes of Code Enforcement"; and Director's Rule 10-95, "Attached vs. Detached as Applied to Accessory Structures and Uses."

What requirements must be met to establish an accessory dwelling unit?

An ADU may only be established if it meets all of the following requirements:

- The home must be occupied by one or more owner(s) of the property as a permanent and principal residence. The owner may live in either the main or accessory unit and must have a 50 percent or greater interest in the property. The owner-occupant must live in the structure for more than six months of each calendar year. The owner may not receive rent for the owner-occupied unit at any time.
- If any of the persons occupying the two units are unrelated, the maximum total number of residents in both units may not exceed eight.
- The accessory unit must be in the principal structure, not in an accessory structure such as a garage.
- A single family dwelling may have no more than one ADU.
- The home must provide two off-street parking spaces. (See exception on next page.)
- An accessory unit is limited to an area of 1,000 square feet; it may exceed this maximum size, however, if the structure was in existence prior to June 1, 1999, and if the entire accessory unit is located on the same level.
- Only one entrance may be located on each front or street side of the residence unless more than one entrance on a front or street side existed as of Jan. 1, 1993, **or** DPD determines that topography, screening or other design solution de-emphasizes the presence of a second entrance.
- Minimum ceiling height for a unit in a portion of a structure constructed before Oct. 17, 1979, is 6 feet 8 inches, or 6 feet 4 inches if a hard-wired smoke detector is provided. For structures or portions of structures constructed after Oct. 17, 1979, minimum ceiling height is 7 feet. See Director's Rule 3-2005 for more information.
- In sleeping rooms located in buildings constructed after Aug. 10, 1972, or in rooms converted or established for sleeping purposes after August 10, 1972, there shall be at least one operable window or exterior door approved for emergency escape or rescue. The window or door must be operable from the inside. All emergency escape windows shall have a minimum net clear opening of 5.7 square feet (grade floor openings allowed to be 5 square feet), a minimum net clear openable height dimension of 24 inches, and a minimum net clear openable width dimension of 20 inches. The window must have a finished sill height not more than 44 inches above the floor. The sill height may be measured from the top of a constructed step with a riser of not more than 7 inches.
- The ADU must meet current standards of the Seattle Residential, Building, Mechanical, Electrical and Energy Codes.



Are there any exceptions to these requirements?

Parking—A waiver of the requirement for the parking space for the ADU may be granted if topography of the site or structure location makes it unduly burdensome to provide it. For information on applying for a parking waiver, see CAM 117, "Parking Waivers for Accessory Dwelling Units."

Temporary owner absence—If DPD determines that that the owner has violated owner-occupancy requirements, the owner shall: 1) reoccupy the structure, 2) remove the ADU, or 3) submit evidence showing good cause, such as job dislocation, sabbatical leave, education or illness for a waiver of this owner-occupancy requirement to allow up to three years' absence from the Puget Sound region.

What are the process, cost and submittal requirements for establishing a unit?

To begin the process of establishing an ADU, you must first complete and submit an **Address/Records Worksheet** form, in person or by mail, to the DPD Applicant Services Center (ASC):

Location: 20th floor of Seattle Municipal Tower
700 Fifth Ave.

Mailing Address: 700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Phone: (206) 684-8850

Hours: Mon/Wed/Fri: 7:30 a.m.-5:30 p.m.
Tues/Thurs: 10:30 a.m.-5:30 p.m.

The Address/Records Worksheet is available from the Applicant Services Center or online at **www.seattle.gov/dpd/publications/forms**.

DPD will then confirm the legal description and address of your home and assign you a **Project Number**.

Before your intake appointment you will need to prepare **two sets of plans**, including a DPD coversheet, plot plan, and floor plans (of the entire building, not just the accessory unit), energy calculations, and, for a new structure (a new residence including an accessory unit) or if there are changes to the building envelope, elevations. New structures or additions will also require full plan sets, including framing plans, foundation plans, sections, etc.

Your plans must clearly identify where new work will be done to create the accessory unit. For informa-

tion on plan requirements, see CAM 103, "How to Draw a Plot Plan," CAM 106, "General Standards for Plans and Drawings," CAM 303, "Building Permit Plan Requirements for Single Family and Duplex Projects," and CAM 303A, "Common Single Family and Duplex Building Code Items."

You must also complete the attached **Application Form**, fill out a **Certificate of Owner Occupancy** (also attached) and have it notarized, and complete any relevant **waiver** form(s). Bring your application material to the ASC for screening by a permit leader. If your material is complete, you will be scheduled for an intake appointment.

At the intake appointment, you will also have to pay a recording fee and a development permit fee based on the value of the work to be done.

Your Certificate of Owner Occupancy will be recorded with the King County Department of Records and Elections where it will become part of the title records for your property.

Your permit application and plans will be reviewed for conformance with city of Seattle codes, and you will be notified of plan corrections you need to make and of decisions on any waiver requests. You will need to pick up your plans from the Applicant Services Center and make necessary changes and resubmit them for review.

Once your plans are approved, your permit will be issued at the DPD Permit Issuance Desk in the ASC. There will be no public comment period and no appeal opportunity to the Hearing Examiner or City Council.

As the work indicated on your plan proceeds, you must call the DPD Regulating Construction Program at (206) 684-8950 for required inspections. When work is complete, call the inspector and request a final inspection. When the final inspection approval is granted, a tenant may occupy the accessory unit.

What other permits are required?

You may need a separate electrical permit from DPD if electrical work is needed to establish the unit. If you plan to do the work yourself you may apply directly at the ASC; otherwise your electrical contractor must apply. If plumbing work is necessary, you will need a plumbing permit from the Seattle/King County Health Department, which is currently located at the ASC. For information on plumbing permits, call (206) 684-5198.

What happens when a home with an accessory dwelling unit is sold?

The new purchaser of a home with a legally established accessory dwelling unit must file a new notarized Certificate of Owner Occupancy with DPD within one year of transfer of ownership, if the new owner intends to continue maintaining an accessory unit, whether or not it is occupied by tenants. You must pay a fee to DPD for the purpose of recording this document with King County. If the new owner chooses to discontinue use of the accessory dwelling unit, s/he will have to remove features which make it a separate unit. See CAM 606, "Illegal Dwelling Units," for more information.

What if a unit is created without a permit?

If DPD receives a complaint about an illegal accessory dwelling unit, the department will inspect and can cite the owner with a Notice of Violation. An owner who does not comply with a Notice of Violation is subject to a civil penalty of \$75 per day after the date set for compliance. Owners of illegal units will be subject to an additional penalty of \$1,000. This penalty shall be reduced to \$100 if, prior to the compliance date stated on the notice, the owner removes the unit. Any owner who voluntarily applies to legalize a unit prior to issuance of a Notice of Violation shall be subject to a reduced penalty of \$100. This penalty will be waived if the purchaser of a property with an existing unauthorized unit applies to legalize the unit within one year of becoming the owner of the property as reflected in King County real estate records. Whenever there is a tenant in an illegal unit of which use must be discontinued in response to a Notice of Violation, the owner must pay the evicted tenant relocation assistance in the amount of \$2,000 or two months rent, depending on the tenant's(s') income.

How can you learn more about establishing an accessory dwelling unit?

Visit the DPD Applicant Services Center (ASC), located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave., and sign in to speak with a staff member. You may also speak with staff by phone by calling (206) 684-8850.

ASC Hours: Monday, Wednesday, Friday
7:30 a.m.-5:30 p.m.

Tuesday, Thursday
10:30 a.m.-5:30 p.m.

Access to Information

Links to electronic versions of DPD **Client Assistance Memos (CAMs)**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Publications" and "Codes" pages of our website at www.seattle.gov/dpd. Paper copies of these documents, as well as additional regulations mentioned in this CAM, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.

Application to Establish an Accessory Dwelling Unit

CHECK ONE OF THE BOXES BELOW:

- ☐ Applying to create a new ADU
- ☐ Applying to legalize an existing unauthorized unit. As reflected in King County real estate records, I purchased the home in which the unauthorized unit is located less than one year ago, and am submitting proof of this purchase. (No penalty)
- ☐ Applying to voluntarily legalize an existing unauthorized unit. There will be a penalty of \$100 unless final inspection approval is obtained within one year of permit issuance.
- ☐ Applying to legalize an existing unauthorized unit based on a complaint, and have already been issued a Notice of Violation. (Penalty \$1,000)

Project Number _____

Address _____

Owner _____ Daytime Phone # _____

Assessor's Parcel Number _____

Submit this form along with required plans and other documents.

Parking Waiver Request, if necessary ___ Not located within a Residential Parking Zone (RPZ)

___ Located within a RPZ; parking waiver study included

Name(s) of Tenant(s) _____ Phone: _____

_____ Phone: _____

_____ Phone: _____

Owner Occupancy Certificate, completed and notarized

Date Unit was Created (to best of your knowledge): _____

Value of Construction Work Needed to Legalize Unit: _____

Copy of the Contractor's Registration/Lien Law Form (completed)

Copy of Agent's Authorization Letter from Owner (if agent)

Applicant's Name _____ Date received _____
(PLEASE PRINT)

Applicant Signature _____ Date signed _____

Relationship of applicant: (circle one) owner, agent, architect, contractor, engineer

Receipt # _____ Date of receipt _____

For DPD Use Only (must be completed)

Application for Parking Waiver?	Parking Waiver Granted?	# of Parking Spaces Provided	Unit Square Footage
Yes _____ No _____	Yes _____ No _____	_____ spaces	_____ sq. ft.

Accessory Dwelling Unit Certification of Owner Occupancy

State of Washington)
County of King S/S)

I, _____, being first duly sworn, on oath do hereby certify under penalty of perjury under the laws of the State of Washington:

That I am an owner of the single family dwelling unit located at _____ and have a fifty percent (50%) or greater interest in this property; and

That I have applied or am making application to establish an authorized accessory dwelling unit at this location; and:

- ☐ That I presently occupy and will continue to occupy one of the two dwelling units at this location as my principal and permanent residence (see Land Use Code Section 23.44.041A2).
- ☐ That this certification will remain in effect during the period of my ownership of the property unless I record a certification with the King County Office of Records and Elections that the use of the property for an accessory dwelling unit has been discontinued.
- ☐ That I am building a new single family residence with an accessory dwelling unit with the intent to sell the residence.

When the property is sold, I will notify the new property owner(s) of the requirements of SMC 23.44.041, including the requirement to file a new Certification of Owner Occupancy with the Department of Planning and Development (DPD) for recording if they intend to maintain and rent the accessory dwelling unit. Failure to submit this certification within one year of transfer of ownership shall be a violation of the Land Use Code if the new owners continue renting the accessory dwelling unit.

This certification will remain in effect during the period of my ownership of the property unless I record a certification with the King County Office of Records and Elections that the use of the property for an accessory dwelling unit has been discontinued.

(SEAL OR STAMP)

Signature of Affiant

Name of Affiant

Signed and sworn to (or affirmed) before me on this ____
day of _____(month), _____(year) by

Signature of Notary Public

Title

My appointment expires: _____

Falsely certifying owner occupancy or failing to comply with the terms of owner occupancy certification is subject to a civil penalty of \$5,000, in addition to any criminal penalties.

A recording fee must be paid to the Department of Planning and Development for the purpose of recording this document with King County.